

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20759 of 2004

Between:

MOHAMMED AZMATH UR RAHMAN, S/o. Mohammed Ata Ur Rahman,
R/o. 5-6-418, Nampally, Hyderabad.

..... PETITIONER

AND

The Regional Passport Officer, Office situated Near Prashant Theatre,
SECUNDERABAD.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue and appropriate Writ, order or direction more particularly one in the nature of *Writ of Mandamus* declaring the action of the respondent in not issuing new passport on fresh application to the petitioner with date of birth entered as 2-2-1965 instead of 15-3-1960 as highly illegal and arbitrary.

Counsel for the Petitioner: MR.ABDUL NAJEEB KHAN

Counsel for the Respondent: Smt. Sandhya Rani, Advocate

The Court made the following:

ORDER:

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Heard the learned counsel for the petitioner and the learned counsel appearing

for the respondent.

2. This Writ petition is filed seeking a declaration that the action of the respondent in not issuing new passport on a fresh application made by the petitioner, entering the date of birth as 02.02.1965 instead of 15.03.1960 as arbitrary and illegal.

3. The petitioner states that he obtained passport on 06.07.1984 in which, his date of birth was wrongly mentioned as 02.02.1965 instead of 15.03.1960. It is further stated that he made a fresh application on 29.10.2004, seeking issuance of new passport with correct date of birth. However, the respondent refused to take any action. Hence, this writ petition.

4. As held by this Court in a judgment in **Mohammad Dilawar Shariff v. Union of India, represented by its Secretary, Ministry of External Affairs, New Delhi and another** correction of date of birth in the passport once issued is not permissible. However, it is to be noted that subsequently, the Government of India, Ministry of External Affairs has issued a circular dated 18.04.2001, under which it is now permissible for the Regional Passport Officer to affect the corrections under certain circumstances specified under the circular. At any rate, in the case on hand the petitioner states that he made a fresh application for new passport with correct date of birth.

5. In the circumstances, the writ petition is disposed of granting liberty to the petitioner to make an appropriate application together with the material to substantiate his correct date of birth within four weeks from today, in which event, the respondent shall consider the same in terms of the circular dated 18.04.2001 and pass appropriate orders in accordance with law, within a period of four weeks thereafter.

6. Accordingly, this writ petition is disposed of. No costs.

(G. ROHINI,J)

8th December, 2004

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Regional Passport Officer,
Office situated Near Prashant Theatre,
SECUNDERABAD.

2. Two C.D. copies